

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5215

To provide for the restoration of Federal recognition to the Clatsop-Nehalem Confederated Tribes of Oregon, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2014

Ms. BONAMICI introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the restoration of Federal recognition to the Clatsop-Nehalem Confederated Tribes of Oregon, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Clatsop-Nehalem Res-  
5        toration Act”.

6        **SEC. 2. DEFINITIONS.**

7        In this Act:

8            (1) INTERIM COUNCIL.—The term “Interim  
9        Council” means the council which is established

1 under, and the members elected pursuant to, section  
2 5.

3 (2) MEMBER.—The term “member”, when used  
4 with respect to the tribe, means an individual en-  
5 rolled on the membership roll of the tribe in accord-  
6 ance with section 7.

7 (3) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Interior or his designated rep-  
9 resentative.

10 (4) TRIBAL GOVERNING BODY.—The term  
11 “tribal governing body” means the governing body  
12 that is established under, and the members elected  
13 pursuant to, the tribal constitution and bylaws  
14 adopted in accordance with section 6.

15 (5) TRIBE.—The term “tribe” means Clatsop-  
16 Nehalem Confederated Tribes of Oregon considered  
17 as one tribe in accordance with section 3.

18 **SEC. 3. CONSIDERATION OF THE CLATSOP-NEHALEM CON-**

19 **FEDERATED TRIBES AS ONE TRIBE.**

20 The Clatsop-Nehalem Confederated Tribes of Oregon  
21 shall be considered as one tribal unit for purposes of Fed-  
22 eral recognition and eligibility for Federal benefits under  
23 section 4, the establishment of tribal self-government  
24 under sections 5 and 6, and the compilation of a tribal  
25 membership roll under section 7.

1 **SEC. 4. RESTORATION OF FEDERAL RECOGNITION, RIGHTS,**  
2 **AND PRIVILEGES.**

3 (a) FEDERAL RECOGNITION.—Notwithstanding any  
4 provision of the Act approved August 13, 1954 (25 U.S.C.  
5 691 et seq.) or any other law, Federal recognition is ex-  
6 tended to the Clatsop-Nehalem Confederated Tribes of Or-  
7 egon. Nothing in this bill shall affect or diminish the treaty  
8 rights previously determined for other federally recognized  
9 Indian tribes.

10 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—  
11 Except as provided in subsection (d), all rights and privi-  
12 leges of the tribe and the members of the tribe under any  
13 Federal treaty, Executive order, agreement, statute, or  
14 other Federal authority, that may have been diminished  
15 or lost under the Act approved August 13, 1954 (25  
16 U.S.C. 691 et seq.) are restored, and the provisions of  
17 such Act shall be inapplicable to the tribe and to members  
18 of the tribe after the date of the enactment of this Act.

19 (c) FEDERAL SERVICES AND BENEFITS.—Notwith-  
20 standing any other provision of law, the tribe and its mem-  
21 bers shall be eligible, on and after the date of the enact-  
22 ment of this Act, for all Federal services and benefits fur-  
23 nished to federally recognized Indian tribes without regard  
24 to the existence of a reservation for the tribe. In the case  
25 of Federal services available to members of federally rec-  
26 ognized Indian tribes residing on or near a reservation,

1 members of the tribe residing in the following counties of  
2 the State of Oregon shall be deemed to be residing on or  
3 near a reservation:

4 (1) Tillamook County.

5 (2) Clatsop County.

6 (d) NO HUNTING, FISHING OR TRAPPING RIGHTS  
7 RESTORED.—No hunting, fishing, or trapping rights of  
8 any nature of the tribe or of any member, including any  
9 indirect or procedural right or advantage over individuals  
10 who are not members, are granted or restored under this  
11 Act.

12 (e) EFFECT ON PROPERTY RIGHTS AND OTHER OB-  
13 LIGATIONS.—Except as otherwise specifically provided in  
14 this Act, no provision contained in this Act shall alter any  
15 property right or obligation, any contractual right or obli-  
16 gation, or any obligation for taxes already levied.

17 **SEC. 5. INTERIM COUNCIL.**

18 (a) ESTABLISHMENT.—There is established an In-  
19 terim Council of the tribe which shall be composed of nine  
20 members. The Interim Council shall—

21 (1) represent the tribe and its members in the  
22 implementation of this Act; and

23 (2) be the governing body of the tribe until the  
24 tribal governing body convenes.

1 (b) NOMINATION AND ELECTION OF INTERIM COUN-  
2 CIL MEMBERS.—

3 (1) GENERAL COUNCIL MEETING.—Not later  
4 than 45 days after the date of the enactment of this  
5 Act, the Secretary shall announce the date of a gen-  
6 eral council meeting of the tribe to nominate can-  
7 didates for election to the Interim Council. Such  
8 general council meeting shall be held not later than  
9 15 days after such announcement.

10 (2) ELECTION.—Not later than 45 days after  
11 the general council meeting held under paragraph  
12 (1), the Secretary shall hold an election by secret  
13 ballot to elect the members of the Interim Council  
14 from among the members nominated in the general  
15 council meeting. Absentee and write-in balloting  
16 shall be permitted.

17 (3) APPROVAL OF RESULTS.—The Secretary  
18 shall approve the results of the Interim Council elec-  
19 tion conducted pursuant to this subsection if the  
20 Secretary is satisfied that the requirements of this  
21 section relating to the nomination and the election  
22 processes have been met. If the Secretary is not so  
23 satisfied, the Secretary shall—

24 (A) call for another general council meet-  
25 ing to be held not later than 60 days after such

1 election to nominate candidates for election to  
2 the Interim Council; and

3 (B) hold another election within 45 days of  
4 such meeting.

5 (4) NOTICE.—The Secretary shall take any ac-  
6 tion necessary to ensure that each member described  
7 in section 7(d) is given notice of the time, place, and  
8 purpose of each meeting and election held pursuant  
9 to this subsection not less than 10 days before the  
10 general meeting or election.

11 (c) AUTHORITY AND CAPACITY; TERMINATION.—The  
12 Interim Council shall—

13 (1) have no powers other than those given it  
14 under this Act;

15 (2) with respect to any Federal service or ben-  
16 efit for which the tribe or any member is eligible,  
17 have full authority and capacity to receive grants  
18 and to enter into contracts;

19 (3) except as provided in subsection (d), termi-  
20 nate on the date that the tribal governing body first  
21 convenes; and

22 (4) with respect to any contractual right estab-  
23 lished and any obligation entered into by the Interim  
24 Council, have the authority and capacity to bind the  
25 tribal governing body, as the successor in interest to

1 the Interim Council, for a period of not more than  
2 6 months beginning on the date such tribal gov-  
3 erning body first convenes.

4 (d) VACANCY ON INTERIM COUNCIL.—Not later than  
5 30 days after a vacancy occurs on the Interim Council and  
6 subject to the approval of the Secretary, the Interim Coun-  
7 cil shall hold a general council meeting to nominate a can-  
8 didate for election to fill such vacancy and hold such elec-  
9 tion. The Interim Council shall provide notice of the time,  
10 place, and purpose of such meeting and election to mem-  
11 bers described in section 7(d) not less than 10 days before  
12 each general meeting or election.

13 **SEC. 6. TRIBAL CONSTITUTION AND BYLAWS; TRIBAL GOV-**  
14 **ERNING BODY.**

15 (a) ADOPTION OF PROPOSED CONSTITUTION AND  
16 BYLAWS; ELECTION.—

17 (1) TIME AND PROCEDURE.—The Interim  
18 Council shall—

19 (A) prepare the tribal constitution and by-  
20 laws which shall provide for, at a minimum, the  
21 establishment of a tribal governing body and  
22 tribal membership qualifications; and

23 (B) adopt such tribal constitution not later  
24 than 6 months after the date of the enactment  
25 of this Act.

1           (2) ELECTION.—Upon the adoption of the pro-  
2           posed tribal constitution and bylaws by the Interim  
3           Council, the Council shall request that the Secretary,  
4           in writing, schedule an election to approve or dis-  
5           approve the adoption of such constitution and by-  
6           laws. The Secretary shall conduct an election by se-  
7           cret ballot in accordance with section 16 of the Act  
8           of June 18, 1934.

9           (b) NOTICE AND CONSULTATION.—Not less than 30  
10          days before any election scheduled pursuant to subsection  
11          (a), a copy of the proposed tribal constitution and bylaws,  
12          as adopted by the Interim Council, along with a brief and  
13          impartial description of the proposed constitution and by-  
14          laws shall be sent to each member described in section  
15          7(d). The members of the Interim Council may freely con-  
16          sult with members of the tribe concerning the text and  
17          description of the constitution and bylaws, except that  
18          such consultation may not be carried on within 50 feet  
19          of the polling places on the date of such election.

20          (c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN  
21          EVENT OF FAILURE TO ADOPT PROPOSED CONSTITU-  
22          TION.—

23                (1) MAJORITY VOTE FOR ADOPTION.—In any  
24                election held pursuant to subsection (a), a vote of a  
25                majority of those actually voting shall be necessary



1 and sufficient for the approval of the adoption of the  
2 tribal constitution and bylaws.

3 (2) PROCEDURE IN EVENT OF FAILURE TO  
4 ADOPT PROPOSED CONSTITUTION.—If in any such  
5 election such majority does not approve the adoption  
6 of the proposed tribal constitution and bylaws, the  
7 Interim Council shall be responsible for preparing  
8 another tribal constitution and other bylaws in the  
9 same manner provided in this section for the first  
10 proposed constitution and bylaws. The new proposed  
11 constitution and bylaws shall be adopted by the In-  
12 terim Council not later than 6 months after the date  
13 of the election in which the first proposed constitu-  
14 tion and bylaws failed to be adopted. An election on  
15 the question of the adoption of the new proposal of  
16 the Interim Council shall be conducted in the same  
17 manner provided in subsection (a)(2) for the election  
18 on the first proposed constitution and bylaws.

19 (d) ELECTION OF TRIBAL GOVERNING BODY.—Not  
20 later than 120 days after the tribe approves the adoption  
21 of the tribal constitution and bylaws and subject to the  
22 approval of the Secretary, the Interim Council shall con-  
23 duct an election, by secret ballot, to elect the tribal gov-  
24 erning body established under such constitution and by-  
25 laws. Notwithstanding any provision of the tribal constitu-

1 tion and bylaws, absentee and write-in balloting shall be  
2 permitted in an election under this subsection.

3 **SEC. 7. MEMBERSHIP ROLLS; VOTING RIGHTS OF MEMBER.**

4 (a) MEMBERSHIP ROLL ESTABLISHED AND  
5 OPENED.—The membership roll of the tribe is established  
6 and open.

7 (b) CRITERIA GOVERNING ELIGIBILITY.—

8 (1) MEMBERSHIP PRIOR TO ELECTION.—Until  
9 the first election of the tribal governing body is held  
10 pursuant to section 6(d), the membership of the  
11 Clatsop-Nehalem Confederated Tribes shall consist  
12 as follows:

13 (A) Any person who can document being a  
14 direct descent from a Clatsop or Nehalem  
15 (Naalem) Tillamook Indian (or both) on the  
16 tribal rolls compiled—

17 (i) in 1906 by Charles E. McChesney,  
18 Supervisor of Indian School.

19 (B) Any person found eligible by the Port-  
20 land, Oregon, Area Office of the Bureau of In-  
21 dian Affairs who would satisfy enrollment re-  
22 quirements under—

23 (i) the Act of August 24, 1912, (37  
24 Stat. 518–535);

1 (ii) the Act of August 30, 1964, (78  
2 Stat. 639); or

3 (iii) part 43 of title 25, Code of Fed-  
4 eral Regulations.

5 (C) Any person who descends from those  
6 Indians who were signers of the treaties be-  
7 tween the United States and the Clatsop Tribe  
8 and the Nehalem Band of the Tillamooks at  
9 Tansy Point, August 5 and 6, 1851 (Vol. 1, p.  
10 7–13; Records Concerning Negotiation of Trea-  
11 ties, 1851–1855; Oregon Superintendency (Na-  
12 tional Archives Microfilm Publication M2, roll  
13 28); Records of the Bureau of Indian Affairs,  
14 Record Group 75; National Archives Building,  
15 Washington, DC).

16 (D) Any person who can document their  
17 direct descent from a Clatsop or Nehalem  
18 Tillamook Indian on any other Federal, State,  
19 Indian, or church record.

20 (E) Descends from those Indians who were  
21 members of the Hobsonville Community.

22 (F) All children born to a member of the  
23 tribe.

24 (2) MEMBERSHIP AFTER ELECTION.—After the  
25 first election of the tribal governing body is held

1       pursuant to section 6(d), the provisions of the con-  
2       stitution and bylaws adopted in accordance with sec-  
3       tion 6(a) shall govern membership in the tribe.

4       (c) DUAL MEMBERSHIP.—Any person who is enrolled  
5       in any other federally recognized Indian tribe, band, or  
6       community or native corporation shall not, at the same  
7       time be enrolled in the tribe.

8       (d) PROCEDURES FOR VERIFICATION OF ELIGI-  
9       BILITY.—

10           (1) BEFORE ELECTION OF INTERIM COUNCIL.—

11       Before the election of the members of the Interim  
12       Council is held pursuant to section 5(b), verification  
13       of descendancy, for purposes of enrollment and age  
14       for purposes of voting rights under subsection (d)  
15       shall be made upon oath before the Secretary whose  
16       determination thereon shall be final.

17           (2) AFTER ELECTION OF INTERIM COUNCIL.—

18       After the election of the members of the Interim  
19       Council is held pursuant to section 5(b), but before  
20       the first election of the members of the tribal gov-  
21       erning body is held pursuant to section 6(d), the  
22       verification of descendancy and age shall be made  
23       upon oath before the Interim Council, or its author-  
24       ized representative. An individual may appeal the ex-  
25       clusion of his name from the membership roll of the

1       tribe to the Secretary, who shall make a final deter-  
2       mination of each such appeal within 90 days after  
3       such an appeal has been filed with him. The deter-  
4       mination of the Secretary with respect to such an  
5       appeal shall be final.

6               (3) AFTER ELECTION OF TRIBAL GOVERNING  
7       BODY.—After the first election of the members of  
8       the tribal governing body is held pursuant to section  
9       6(d), the provisions of the constitution and bylaws  
10      adopted in accordance with section 6(a) shall govern  
11      the verification of any requirements for membership  
12      in the tribe. The Interim Council and the Secretary  
13      shall deliver their records and files and any other  
14      material relating to the enrollment of tribal members  
15      to such tribal governing body.

16              (4) PUBLICATION OF MEMBERSHIP ROLL.—Not  
17      less than 60 days before the election under section  
18      6(a), the Secretary shall publish in the Federal Reg-  
19      ister a certified copy of the membership roll of the  
20      tribe as of the date of such publication. Such mem-  
21      bership roll shall include the names of all individuals  
22      who were enrolled by the Secretary, either directly  
23      under paragraph (1) or pursuant to an appeal under  
24      paragraph (2), and by the Interim Council under  
25      paragraph (2).

1 (e) VOTING RIGHTS OF MEMBER.—Each member  
2 who is 18 years of age or older shall be eligible to—

3 (1) attend, participate in, and vote at each gen-  
4 eral council meeting;

5 (2) nominate candidates for any office;

6 (3) run for any office; and

7 (4) vote in any election of members to the In-  
8 terim Council and to such other tribal governing  
9 body as may be established under the constitution  
10 and bylaws adopted in accordance with section 6.

11 **SEC. 8. REGULATIONS.**

12 The Secretary may promulgate such regulations as  
13 may be necessary to carry out the provisions of this Act.

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